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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,027	08/28/2003	Laurent Schaller	CSI-2008C2	1555

7590
Jeffrey J. Hohenshell
710 Medtronic Parkway
Minneapolis, MN 55432

10/09/2007

EXAMINER

WOO, JULIAN W

ART UNIT	PAPER NUMBER
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3773

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/653,027

Applicant(s)

SCHALLER ET AL.

Examiner

(Jackie) Tan-Uyen T. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/14/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24,26,35 is/are allowed.
- 6) ☒ Claim(s) 1,3-11,18,28,29 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 12-17,19-23,25,27,30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/1/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6/1/07 is acknowledged and considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-11, 18, 28, 29, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connor (5,450,860). O'Connor disclose a surgical fastener (12) adapted to assume a loop configuration, two flexible members/sutures (14, 20, the two narrow sections, one at each end of fastener 12), and two piercing members/needles (16,18), a coupling (fig. 1, recessed shank ends 22, 24).

Regarding the flexible members comprising metal, O'Connor disclose the fastener being made from PTFE with metal material (col. 12, lines 13-29).

Regarding the fastener comprising surgical clip, with a broadest reasonable interpretation, the fastener (12) is considered as a clip, which is adapted to grip or hook tissues.

4. Claim 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams (6,001,110).

Adams discloses a surgical fastener (10) adapted to assume a loop configuration, two needles (21, 22) coupled to the fastener ends (fig. 3, the entire clip coupled to the needles) and the surgical clip has a generally U-shaped when in said open configuration (fig. 3) and a closed configuration when in a relaxed state (figs. 1A and 5).

Regarding the fastener comprising surgical clip, with a broadest reasonable interpretation, the fastener (10) is considered as a clip, which is adapted to grip or hook tissues.

Allowable Subject Matter

5. Claims 24, 26 and 35 are allowed. The following is an examiner's statement of reasons for allowance:

Regarding claim 24, the prior art fails to disclose a tissue connector comprising in combination with other limitations of the claim, a coil and a first and second couplings as claimed.

Regarding claim 26, the prior art fails to disclose a tissue connector comprising in combination with other limitations of the claim, a knotted portion and a bore, as claimed

Regarding claim 35, the prior art fails to disclose a tissue connector comprising in combination with other limitations of the claim, a surgical clip assumes a spiral configuration when in a closed configuration.

6. Claims 12-17, 19-23, 25, 27, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a

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statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a tissue connector comprising in combination with other limitations of the claim, a coupling and the enlarged portion or a coil (regarding claims 30) or a wire (regarding claim 31), as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


(Jackie) Van-Uyen T. Ho
Primary Examiner
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October 1, 2007